

Lucious Hughes
P.O. Box 41255
Los Angeles, CA 90041
August 3, 2013

MORRISON & FOERSTER LLP
1290 AVENUE OF THE AMERICAS
New York, New York
10104

ATTENTION ATTORNEYS FOR THE DEBTORS:
GARY S. LEE, ESQ
NORMAN S. ROSENBAUM, ESQ
JORDAN A. WISHTNEW, ESQ

Your Honor:

THIS IS MY RESPONSE TO AN OBJECTION

SINCERELY,
Lucious Hughes

(1)

I

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

CASE # 12-12020 (MG)
CHAPTER 11

DEBTORS: RESIDENT CAPITAL, LLC, et al
(GMAC MORTGAGE; GREEN TREE)

HEARING ON TWENTIETH OMNIBUS OBJECTIONS TO CLAIMS
(BORROWER CLAIMS WITH INSUFFICIENT DOCUMENTATION)

II

MY NAME IS LUCIOUS HUGHES, AND THE BASIS FOR
MY CLAIM IS AS FOLLOWS:

THE INSURANCE SETTLEMENT FROM MY INSURANCE COMPANY
ALLSTATE FOR MY FIRE DAMAGED HOME WAS FOR \$128,020.63.
ALLSTATE SENT THIS AMOUNT BY CHECK TO
GMAC MORTGAGE FOR ADMINISTRATION TO ME BY
DEGREES, ACCORDING TO AMOUNT OF CONSTRUCTION
COMPLETED BY MY CONTRACTOR, BETTER BUILDING CONSTRUCTION, INC.
GMAC SENT TO ME A TOTAL OF \$100,446.86 BEFORE THE
BANKRUPTCY OF GMAC MORTGAGE AND RESIDENTIAL CAPITAL,
THERE HAS BEEN NO PAYMENTS SENT TO ME SINCE THE
BANKRUPTCY AND THE RE-STRUCTURE OF RESIDENTIAL CAPITAL
WITH GREEN TREE SUCCEEDING GMAC MORTGAGE.
THEREFORE GREEN TREE AND RESIDENTIAL CAPITAL OWES

(2)

ME A BALANCE OF \$27,573.71 (See ENCLOSED Letter TO RESIDENTIAL CAPITAL DATED 7/30/2013 AND FAX FROM GREENTREE DATED 7-22-13

III MOST OF DOCUMENTATION WAS REFERENCED TO AND BY DOCUMENTATIONS RELATIVE TO GMAC MORTGAGE BECAUSE OF MY DIFFICULTY IN GETTING INFORMATION OR DOCUMENTS FROM GREENTREE, (AS EXPLAINED IN VII

IV THE DOCUMENT WHICH I WILL RELY MOST ON FOR OPPOSING THE OBJECTIVE IS THE ONLY DOCUMENT THAT I WAS ABLE TO OBTAIN FROM CLERKS HANDLING MY GREENTREE CLAIM ACCOUNT WAS THE ENCLOSED FAX DATED 7-22-13.

V THE CORRECT ADDRESS FOR CORRESPONDING WITH ME IS P.O. BOX 41255

LOS ANGELES, CALI 90041

VI MY LEGAL REPRESENTATIVE IS MYSELF LUCIOUS HUGHES

P.O. 41255

LOS ANGELES, CALI, 90041

PHONE 626-410-3317

VII MY CLAIM SHOULD NOT BE DISALLOWED BECAUSE AFTER DAYS AND DAYS OF CONTACTING GREENTREE THE WOULD NOT SEND ME ANY DOCUMENTATION OR COPIES OF MY ACCOUNTS THERE, ESPECIALLY MY ACCOUNT REGARDING MY CLAIM.

(3)

I KNOW THIS AND THE FOLLOWING STATEMENTS ARE HARD TO BELIEVE, WHEN I CALLED GREEN TREE THEY

- a) PUT ME ON HOLD AND NEVER RETURNED TO THE PHONE
- b) PUT ME ON HOLD AND HUNG UP THE PHONE
- c) TOLD ME MY CLAIM "WAS SOMEWHERE ELSE" WHEN I CALLED THE CLAIM DEPT AND TOLD ME THEY COULDN AND WOULDN SEND ME DOCUMENTATION.

THEY REPEATED THE ABOVE ACTIONS REPEATEDLY WHEN I CALLED.

I CALLED THE FEDERAL PROTECTION AGENCY AND MADE A COMPLAINT. (I HAVE DOCUMENTATION WITH THE NAME OF ONE CLERK WHO REFUSED TO SEND ME DOCUMENTATION)

AFTER MANY DAYS OF THIS TREATMENT, I FINALLY WAS ABLE TO CONTACT ONE PERSON WHO FAXED ME SOME DOCUMENTATION.

THIS WAS THE ONLY PERSON WHO COOPERATED WITH ME AND THAT FAX DATED 7-22-13 AND IS ENCLOSED WITH THIS LETTER.

I ALSO E-MAILED BOTH GREEN TREE AND GMAC MORTGAGE BOTH ACCOUNTS[#] OF THE CLAIM ACCOUNTS

SINCERELY,
Luciano Hughes

LUCIOUS HUGHES
P.O. Box 41255
LOS ANGELES, CA. 90041
JULY 30, 2013

RESIDENTIAL CAPITAL, LLC
P.O. Box 385220
BLOOMINGTON, MINNESOTA 55438

RE: (1) ADDENDUM TO PROOF OF CLAIM FORM, CLAIM #2544 of 11-5-12
(2) ADDENDUM TO E-MAIL DOCUMENTATION OF MY CLAIM of 6-21-13

DEAR SIR:

ENCLOSED IS FURTHER DOCUMENTATION OF \$27,573.79 IN FUNDS
OWED TO ME BY GMAC MORTGAGE AND YOUR LOAN SERVICING
COMPANY, GREEN TREE.

PLEASE FIND ENCLOSED THE FOLLOWING PHOTOCOPIES FROM GREEN TREE
IN FAX FORM, dated 7-22-13.

*

ON pg 2 CHECK #12193607 SENT TO ME AND CASHED FOR \$42,076.68

ON pg 3 CHECK #12205812 SENT TO ME, RETURNED TO GMAC, ^{N/T} CASHED, ERROR

REPLACED
THIS CHECK

ON pg 4 CHECK #12291810, SENT TO ME AND CASHED FOR \$28,647.98

ON pg 5 CHECK #12353189, SENT TO ME AND CASHED FOR \$15,832.31

ON pg 6 CHECK #12390718, SENT TO ME AND CASHED FOR \$26,499.56

ON pg 7 CHECK #12390716 SENT TO ME AND CASHED FOR \$1,639.33

THE SUM OF CHECKS ON pgs 2, 4, 5, 6, 7, = \$100,446.86

ON pg 8 CHECK #130683313 IS THE SETTLEMENT CHECK \$128,020.63
SENT BY ALLSTATE INS. CO. TO GMAC MORTGAGE FOR DISBURSEMENT

(1/2)

(2)

THE FAXED CHECKS SHOW THAT GMAC MORTGAGE
PAID TO ME \$100,446.33 BEFORE BEING
INTERRUPTED BY THE RE-ORGANIZATION BY
RESIDENTIAL CAPITAL LLC AND GREEN TREE.
THE ORIGINAL SETTLEMENT CHECK FROM
ALLSTATE INSURANCE WAS \$128,020.63.
SINCE THERE HAS BEEN NO OTHER DISBURSEMENTS
FROM THE SETTLEMENT FUNDS BY GMAC MORTGAGE
NOR GREENTREE, THE BALANCE IS OWED TO ME.

128,020.63

100,446.86

27,573.77 is owed to ME WHICH IS
EXACTLY THE AMOUNT OF MY CLAIM.

THIS ENTIRE "EXERCISE" OF "PROOF OF CLAIM" WAS
UNNECESSARY MY CLAIM INVOLVES MORTGAGE LOANS
AND MORTGAGE LOANS LIKE MINE ARE SECURED LOANS,
AND NOT SUBJECT TO PROOF OF CLAIM,

THE OTHER REASONS THAT THIS EXERCISE WAS
UNNECESSARY BECAUSE ALL THE PROOFS ARE IN
YOUR POSSESSION ALREADY. THEY ARE ALL IN THE
GREENTREE FILES WHICH WAS TURNED OVER TO
THEM BY GMAC MORTGAGE

ENCLOSED IN THIS LETTER IS A REFERENCE TO
A "FINAL DRAW"; DOC-A WHICH IS A COPY OF A
E-MAIL WHICH I SENT TO YOU ON 6-21-13
ALONG WITH OTHER DOCUMENTS INCLUDING DOC-B
WHICH IS ALSO A REFERENCE TO DOC-A

Sincerely,

(2/2)

Lucious Hughes

relationships that work
green tree

FAX

Claims Department
P.O. Box 6158
Rapid City, SD 57709-6158

To: LUCIOUS HUGHES

From: KATHLEENA

Fax Number: 818-884-1850

Fax Number: 1-800-215-2780

Phone Number:

Phone Number: 800-643-0202

Re: CLAIM CKS

Date: 7/22/2013

Number of pages (including cover sheet): 8

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

AS YOU REQUESTED.

HAVE A GREAT DAY

-)

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CHECK DATE	PAYEE	ID	ORG	CHECK NO	AMOUNT
06 08 11	LUCIOUS HUGHES	00000000000000		12193607	42,076.68
				REQUESTED BY	

ID / DUE DATE	ADDRESS	DESCRIPTION / ID NUMBER	AMOUNT
------------------	---------	-------------------------	--------

NOT USED - OPEN

0020302243969

INITIAL BALANCE OVERAGE DRAW

FIRE

138309/LOSS DRAFTS

Balance on account 27,573.77

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW.

CHECK DATE
06 08 11

GMAC Mortgage

CHECK NO.
12193607

JPMorgan Chase Bank, N.A.
Chicago, Illinois

AMOUNT
\$42,076.68

70 2322
719

FORTY TWO THOUSAND SEVENTY SIX DOLLARS AND 68 CENTS

PAY TO THE
ORDER OF

GMAC MORTGAGE DISBURSEMENTS

LUCIOUS HUGHES
1053 N CENTRAL AVE.,
GLENDALE CA 91202

Debbie B...
Al B...
VOID AFTER 60 DAYS

⑈ 1 2 1 9 3 6 0 7 ⑈ ⑈ 0 7 1 9 2 3 2 2 6 ⑈ 0 0 0 9 4 4 3 0 0 ⑈

CHECK DATE	PAYEE	ID	ORG	CHECK NO	AMOUNT
06 27 11	LUCIOUS HUGHES &	00500017864000		12205812	28,647.98
				REQUESTED BY	

LD.# ADDRESS DESCRIPTION/ID NUMBER AMOUNT
DUE DATE NOT USED - OPEN *

0020302243969

INITIAL DRAW

FIRE

#C12205812

THIS CHECK WAS
NOT CASHED, BUT WAS
SENT BACK TO GMAC
AND WAS REPLACED
BY CHECK #122918 FOR
THE SAME AMOUNT

ON PAGE 4

\$28,647.98

Part # 156297-435 RIT 07/13

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

CHECK DATE
06 27 11

GMAC Mortgage

CHECK NO.
12205812

JPMorgan Chase Bank, N.A.
Chicago, Illinois

AMOUNT
\$28,647.98

TWENTY EIGHT THOUSAND SIX HUNDRED FORTY SEVEN DOLLARS AND 98 CENTS

PAY TO THE
ORDER OF

UNAUTHORIZED, FRAUDULENT
ORGANIZATION

GMAC MORTGAGE DISBURSEMENTS

LUCIOUS HUGHES &

CORNERSTONE BUILDERS & RESTORATION
1584 OAK GROVE PLACE
LOS ANGELES CA 90041

Debbie Bauer

Al Bork

VOID AFTER 60 DAYS

12205812 071923226 000944300

CHECK DATE	PAYEE	ID	ORG	CHECK NO	AMOUNT
11 02 11	LUCIOUS HUGHES	00000000000000		12291810	28,647.98
				REQUESTED BY	

I.D.#	ADDRESS	DESCRIPTION/ID NUMBER	AMOUNT
QUE DATE		NOT USED - OPEN	

0020302243969

INITIAL DRAW

FIRE

138309/LOSS DRAFTS

CHECK DATE
11 02 11

GMAC Mortgage

CHECK NO.
12291810

JPMorgan Chase Bank, N.A.
Chicago, Illinois

AMOUNT
\$28,647.98

70 2322
719

TWENTY EIGHT THOUSAND SIX HUNDRED FORTY SEVEN DOLLARS AND 98 CENTS

PAY TO THE
ORDER OF

GMAC MORTGAGE DISBURSEMENTS

LUCIOUS HUGHES
1053 N CENTRAL AVE.,
GLENDALE CA 91202

Debbie Bauer
Al Bork
VOID AFTER 60 DAYS

⑈12291810⑈ ⑆071923226⑆ 000944300⑈

CHECK DATE	PAYEE	ID	ORG	CHECK NO	AMOUNT
02 03 12	LUCIOUS HUGHES	00000000000000		12353189	1,583.31
				REQUESTED BY	

I.D.# ADDRESS DESCRIPTION/ID NUMBER AMOUNT
DUE DATE

NOT USED - OPEN

0020302243969

INTERIM DRAW

FIRE

138309/LOSS DRAFTS

REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - FOLD AT AN ANGLE

CHECK DATE
02 03 12

GMAC Mortgage

CHECK NO
12353189

JPMorgan Chase Bank, N.A.
Chicago, Illinois

AMOUNT
\$1,583.31

70 2227

ONE THOUSAND FIVE HUNDRED EIGHTY THREE DOLLARS AND 31 CENTS

PAY TO THE
ORDER OF

GMAC MORTGAGE DISBURSEMENTS

LUCIOUS HUGHES
1053 N CENTRAL AVE.,
GLENDALE CA 91202

Debbie Brown
John Bork
VOID AFTER 60 DAYS

⑈12353189⑈ ⑆071923226⑆ 000944300⑈

I.D.#	ADDRESS	DESCRIPTION/ID NUMBER	AMOUNT
DUE DATE			

138309/LOSS DRAFTS

138309

MD:D AFTER 60 DAYS

№ 12340718 № 10719232261 0009443001

22

$$\begin{array}{r} 70\ 2322 \\ \hline 219 \end{array}$$

0302243969

VOID AFTER 60 DAYS

№ 12390716 № 10719232261 000944300 №

IN PAYMENT OF FIRE LOSS ON 3/7/2011.

POLICY NUMBER		CLAIM NUMBER	
037213171		0194746731	
TAX ID	DESK LOC	EMPLOYEE ID	
	NKW	DPPB	
Bank of America NA Atlanta, Delate City, Georgia		Bank of America Customer Connection	

517
64-1278
611

PAY ONE HUNDRED TWENTY EIGHT THOUSAND TWENTY DOLLARS AND SIXTY THREE CENTS

128,020.63

Allstate

INVOICE NUMBER	MCO	DATE ISSUED
	8230	05/16/2011

130683313

TO THE CROSS CHECK PUBLIC ADJUSTERS AND LUCIOUS
 ORDER HUGHES AND GMAC MORTGAGE LLC ITS
 OF SUCCESSORS
 540 EL DORADO ST STE 201
 PASADENA CA 91101-2508

COMPANY NAME
ALLSTATE INSURANCE COMPANY

LOAN# 0302243469
 TRAILING # 135309

Catherine O'Brien
Samuel H. Pitch

AUTHORIZED SIGNATURES

VOID IF NOT PRESENTED WITHIN THREE HUNDRED SIXTY FIVE DAYS OF DATE OF ISSUE

130683313 061112788 329 911 95621

Claim #2544 Date Filed: 11/6/2012

B 10 Modified (Official Form 10) (12/11)

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK		PROOF OF CLAIM
Name of Debtor and Case Number: <u>RESIDENTIAL CAPITAL LLC, et al - 12-12020 (MG) (GMAC MORTGAGE, LLC - 12-12032)</u>		
NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): <u>LUCIOUS HUGHES</u>		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: <u>LUCIOUS HUGHES</u> <u>P.O. Box 41255</u> <u>LOS ANGELES, CALI 90041</u>		
Telephone number: <u>626-410 3317</u> email: _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Name and address where payment should be sent (if different from above): <u>LUCIOUS HUGHES</u> <u>22317 STRATHERN ST.</u> <u>CANOGA PARK, CALI 91304</u>		
Telephone number: <u>626-410 3317</u> email: _____		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier - 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(): _____
1. Amount of Claim as of Date Case Filed: \$ <u>27,573.77</u> DEBTOR IS HOLDING MONEY FROM ALLSTATE INS. FOR FIRE-DAMAGED REPAIRS If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>BALANCE FROM \$128,000 SENT TO DEBTOR FROM ALLSTATE INSURANCE CO FOR REPAIRS AT 1584 OAK GROVE PL</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <u>8369</u> 1234	3a. Debtor may have scheduled account as: <u>Alison Teamen</u> (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable (when case was filed) Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Claim Pursuant to 11 U.S.C. § 503(b)(9): Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim. \$ _____ (See instruction #6)		
7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)		
8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: _____		
9. Signature: (See instruction #9) Check the appropriate box. <input checked="" type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: <u>LUCIOUS HUGHES</u> Title: <u>HOME OWNER</u> Company: <u>HOME OWNER</u> (Signature) <u>Lucious Hughes 11-5-12</u> (Date) Address and telephone number (if different from notice address above): _____ Telephone number: _____ Email: _____		

RECEIVED

NOV 06 2012

KURTZMAN CARSON CONSULTANTS
COURT USE ONLY